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Attorneys for the Plaintiff Tina Renna
Participating Attorneys for
The Rutherford Institute

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TINA RENNA,	:	Civil Action No. 11-3328
	:	
Plaintiff,	:	
	:	
vs.	:	DECLARATION OF
	:	JAMIE EPSTEIN IN
THE COUNTY OF UNION,	:	IN SUPPORT OF MOTION FOR
NEW JERSEY,	:	COUNSEL FEES, L. CIV. R. 54.2
	:	
Defendant.	:	
	:	

I, Jamie Epstein, declare as follows:

1. I am an attorney licensed to practice in the State of New Jersey from my office located at 107 Cherry Parke, Suite C, Cherry Hill, New Jersey.
2. I graduated from law school 25 years ago in 1989.
3. My practice primarily involves the representation of students and their families who have had their regular, special or higher education law rights violated.

4. This also includes civil litigation for students who have been injured or bullied.

5. I have made numerous appearances before school boards and administrative, state and federal trial and appellate courts.

6. I have appeared in 79 reported published New Jersey cases and 40 reported federal cases.

7. Before I became a lawyer, I worked for about 15 years in the education field; first providing educational services to children, then as chairperson of an interdisciplinary team responsible for the development and implementation of individual habilitation plans for handicapped individuals and lastly as managing director of a New Jersey Office of Special Education approved agency providing therapy services to handicapped children through school district child study teams.

8. I have a B.S.W. and Certificate in Child Care with honors from Temple University, a Masters in Management with honors from Central Michigan University, and a Juris Doctorate from Rutgers University, which I received in 1989.

9. My regular hourly rate for legal services in cases involving the violation of students' rights under State and Federal law and in OPRA matters pending in New Jersey is \$450 per hour.

10. In my experience, this is the reasonable, usual and customary rate for attorneys with my skills and experience taking cases on a contingency basis.

11. I charge this rate in my work throughout State and Federal Court in New Jersey.

12. I was most recently awarded my 2012 rate of \$400 per hour in *T.B. v. Mount Laurel Bd. of Educ.*, 2012 U.S. Dist. LEXIS 44848, (D.N.J. Mar. 30, 2012)

13. Based on my experience litigating cases in New Jersey, it is my opinion that this rate of \$450 is the usual and customary hourly billing rate of myself and other attorneys in the New Jersey marketplace for relatively complex cases taken on a contingency basis.

14. This is the hourly rate that I charge as of January 1, 2013 to my clients in the event they breach their retainer agreement.

15. With respect to the appropriate hourly rate for lawyers in complex matters, the rate of \$400 per hour is probably the low end of the reasonable range.

16. In *J&J Snack Foods, Corp. v. Earthgrains, Co.*, 2003 WL 21051711 (D.N.J. May 9, 2003), in which Judge Simandle held that the defendants qualified for prevailing party attorneys fees under the “exceptional case” provision of the Lanham Act, 15 U.S.C. § 1117(a), Judge Simandle awarded an hourly rate of \$495 per hour to an attorney with thirty-one years of experience, \$270-\$295 per hour for the time of associates and \$350 per hour to an attorney with 49 years of experience at a different firm.

17. I have also reviewed the credentials of F. Michael Daily, Doug R. McKusick and Walter M. Luers.

18. Based on the foregoing, and based on my review of their credentials, when compared to the rates charged by lawyers of similar qualifications and experience in New Jersey who handle sophisticated matters in State and Federal Court, it is my opinion that the rate of \$400 per hour for Mr. Daily (almost 40 years of experience), \$375 for Mr. McKusick (30 years of experience) and \$300 per hour for Mr. Luers (14 years of experience) is reasonable for New Jersey, including Northern New Jersey, and represents the relevant marketplace rates.

19. I also find their rates comparable to the survey rates reported by Philadelphia CLS

and the National Law Journal for this geographic area.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this
25rd day of June, 2014.

A handwritten signature in black ink, appearing to be 'JE' followed by a stylized flourish.

Jamie Epstein